UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,915	12/07/2001	Vikram Pillai	SBACK-001XX	6110

207 7590 04/15/2005

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER	
PEARSON, YVETTE B	

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,915	PILLAI ET AL.	
	Examiner	Art Unit	
	Yvette Pearson	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *December 7, 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *December 7, 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 - 25 are presented for examination in the application.

2. Acknowledgment is made of Provisional Application No. 60/254,723 filed on December 11, 2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 8, 10 – 20, and 22 – 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu (US 6,079,020.)

4. As per Claims 1, 13 and 25, Liu teaches a distributed method for managing a network implemented on software running on a computer system (Column 5, Lines 45 – 50; Figure 1) comprising

a). establishing a secure virtual connection with a remote data center by an infrastructure management appliance ([VPN Management Station] Column 5, Lines 54 – 57; Column 6, Lines 25 – 36; Figures 1, #160, #150, #140),

b). monitoring at least one customer resource by the infrastructure management appliance ([VPN Management system includes an operation to 'ping' a VPN gateway] Column 9, Lines 63 – 67; Column 10, Lines 1 – 4); and

c). transmitting information obtained through monitoring of customer resource to remote data center over secure virtual connection (Column 7, Lines 12 – 23.)

5. As per Claims 2, and 14 Liu teaches a distributed method for managing a network as described above wherein establishing a secure virtual connection with the remote data center further comprises establishing a virtual private network with remote data center ([VPN Gateway] Column 2, Lines 16 – 24; Figure 1, #145, #155.)

6. As per Claims 3 and 15, Liu teaches a distributed method for managing a network further comprising obtaining customer information from remote data center wherein establishing secure virtual connection with remote data center is responsive to customer information ([High Level Objects comprise attributes] Column 9, Lines 48 – 55.)

7. As per Claims 4 and 16, Liu teaches a distributed method for managing a network wherein establishing secure virtual connection with remote data center is responsive to customer information such that obtaining customer information from remote data center is performed over a first interface (VPN Gateway) to the infrastructure management appliance ([VPN Gateway Objects are created for each VPN

Gateway] Column 9, Lines 31 - 42) and establishing secure virtual connection with remote data center is over a second interface (Public Network interface via Internet Browser) to the infrastructure management appliance ([Public Network provides Internet browser access to Remote Client] Column 11, Lines 38 – 45; Figure 1, #100, #160.)

8. As per Claims 5 and 17, Liu teaches a distributed method for managing a network further comprising monitoring of the customer resource performed over second interface ([a VPN gateway to ping a node over the Public Network] Column 10, Lines 2 – 4.)

9. As per Claims 6 and 18, Liu teaches a distributed method for managing a network further comprising obtaining customer information through dial up access ([VPN Gateways communicate through an Internet Service Provider] Column 3, Lines 58 – 61; Column 6, Lines 10 - 20.)

10. As per Claims 7, 8, 19 and 20, Liu teaches a distributed method for managing a network wherein obtaining of the infrastructure management appliance further comprises obtaining an Internet Protocol of remote data center ([configuration parameters determine whether source and destination addresses between nodes in the public network belong to the VPN, such to include IP addresses] Column 3, Lines 22 – 31, Lines 39 – 43.)

11. As per Claims 10 and 22, Liu teaches a distributed method for managing a network wherein monitoring of a customer resource further comprises generating a synthetic transaction with respect to a customer application (input from a system user)

and storing results ([VPN Database] Figure 5, #406) such obtained ([VPN Management Code] Column 9, Lines 13 – 26; Figure 5.)

12. As per Claims 11, 12, 23 and 24, Liu teaches a distributed method for managing a network further comprising discovering a customer operational environment attribute ([user input request] Figure 7) and configuring first interface ([VPN Gateway] Figure 1) to infrastructure management appliance ([VPN Management station] Figure 1, #160) in response to customer operational attribute ([e.g. create a VPN] Column 10, Lines 29 – 56) such that customer operational attribute comprises a dial-out prefix ([an operation to 'ping' can be directed to a node on the Public Network via dial-up Internet access] Column 9, Lines 66 – 67; Column 10, Lines 1 – 4.)

13. Thus, Liu discloses all limitations of the rejected claims; therefore Liu anticipates the subject matter of Claims 1 – 8, 10 – 20, and 22 – 25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 6,079,020) in view of Estberg et al (US 6,148,337).

15. With respect to Claims 9 and 21, Liu teaches a distributed method for managing a network comprising a secure virtual connection with a remote data center by an infrastructure management appliance Column 5, Lines 54 – 57; Column 6, Lines 25 – 36); transmitting information obtained through monitoring of customer resource to remote data center over secure virtual connection (Column 7, Lines 12 – 23), and monitoring at least one customer resource by the infrastructure management appliance (Column 9, Lines 63 – 67; Column 10, Lines 1 – 4), but fails to specifically teach monitoring customer resources such to *periodically* poll the server system. However, Estberg discloses a similar network method for monitoring private information on a public network (Column 5, Lines 6 – 9; Figure 2) whereby the system supports a polling routine to periodically retrieve basic network status information (Column 5, Lines 62 – 67; Column 6, Lines 1 – 8.)

Therefore, it would have been obvious to one having ordinary skill in the art having the teachings of Lui and Estberg before one to provide a network control system that determines and automatically configures initial network parameters operated by received commands ([Lui] Column 3, Lines 8 – 21), and provides continuous monitoring of the network for changes in network status ([Estberg] Column 9, Lines 16 – 21.) The combination would provide a comprehensive network control system that manages a large number of secure private networks by eliminating time-consuming tasks that

require manual reconfiguration of VPN gateways ([Lui] Column 2, Lines 64 – 67), and thereby automatically initiating mechanized processes to effect the change.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. US 6,662,221 (Gonda et al) discloses a method of managing a virtual private network by utilizing an automated system to provide configuration management to create a private data stream by way of a public network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette Pearson whose telephone number is 571 272-4227. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Cuchlinski can be reached on 571 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yvette Pearson

Examiner

Art Unit 2144

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100